

ASSEMBLY BILL

No. 927

Introduced by Assembly Member Mullin

February 18, 2005

An act to amend Sections 8208, 8235, 8236, 8237, and 8241 of the Education Code, relating to early education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 927, as introduced, Mullin. School readiness centers.

Existing law, the Child Care and Development Services Act, declares the intent of the Legislature to provide a comprehensive, coordinated, and cost-effective system of child care and development services for children and their parents. Existing law defines terms related to the provision of child care and development services.

Existing law requires the Superintendent of Public Instruction to administer all state preschool programs in accordance with specified funding priorities. Existing law provides for the certification and enrollment of families in these programs.

This bill would replace all references to state preschool programs in those provisions with references to school readiness centers, as defined.

Existing law allows child care and development programs to be designed to meet specified child-related needs identified by parents or guardians.

This bill would add school readiness centers to that list of child-related needs.

This bill would also make technical, nonsubstantive changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) There is increasing support for the state early education
4 and preschool programs serving low income families that prepare
5 children for success in the primary grades.
- 6 (b) The Superintendent of Public Instruction has developed
7 and disseminated prekindergarten learning and development
8 guidelines and is currently developing school readiness standards
9 and supporting school readiness networks.
- 10 (c) There is a need to clarify the goals of existing state
11 preschool programs and general child care preschool centers in
12 order to establish a more clear articulation with elementary and
13 secondary educational goals, curriculum and performance.
- 14 SEC. 2. Section 8208 of the Education Code is amended to
15 read:
- 16 8208. As used in this chapter:
- 17 (a) "Alternative payments" includes payments that are made
18 by one child care agency to another agency or child care provider
19 for the provision of child care and development services, and
20 payments that are made by an agency to a parent for the parent's
21 purchase of child care and development services.
- 22 (b) "Alternative payment program" means a local government
23 agency or nonprofit organization that has contracted with the
24 department pursuant to Section 8220.2 to provide alternative
25 payments and to provide support services to parents and
26 providers.
- 27 (c) "Applicant or contracting agency" means a school district,
28 community college district, college or university, county
29 superintendent of schools, county, city, public agency, private
30 nontax-exempt agency, private tax-exempt agency, or other
31 entity that is authorized to establish, maintain, or operate services
32 pursuant to this chapter. Private agencies and parent
33 cooperatives, duly licensed by law, shall receive the same
34 consideration as any other authorized entity with no loss of

1 parental decisionmaking prerogatives as consistent with the
2 provisions of this chapter.

3 (d) “Assigned reimbursement rate” is that rate established by
4 the contract with the agency and is derived by dividing the total
5 dollar amount of the contract by the minimum child day of
6 average daily enrollment level of service required.

7 (e) “Attendance” means the number of children present at a
8 child care and development facility. “Attendance,” for the
9 purposes of reimbursement, includes excused absences by
10 children because of illness, quarantine, illness or quarantine of
11 their parent, family emergency, or to spend time with a parent or
12 other relative as required by a court of law or that is clearly in the
13 best interest of the child.

14 (f) “Capital outlay” means the amount paid for the renovation
15 and repair of child care and development facilities to comply
16 with state and local health and safety standards, and the amount
17 paid for the state purchase of relocatable child care and
18 development facilities for lease to qualifying contracting
19 agencies.

20 (g) “Caregiver” means a person who provides direct care,
21 supervision, and guidance to children in a child care and
22 development facility.

23 (h) “Child care and development facility” means any residence
24 or building or part thereof in which child care and development
25 services are provided.

26 (i) “Child care and development programs” means those
27 programs that offer a full range of services for children from
28 infancy to 13 years of age for any part of a day, by a public or
29 private agency, in centers and family child care homes. These
30 programs include, but are not limited to, all of the following:

- 31 (1) Campus child care and development.
- 32 (2) General child care and development.
- 33 (3) Migrant child care and development.
- 34 (4) Child care provided by the California School Age Families
35 Education Program (Article 7.1 (commencing with Section
36 54740) of Chapter 9 of Part 29).
- 37 (5) State preschool.
- 38 (6) Resource and referral.
- 39 (7) Child care and development services for children with
40 special needs.

1 (8) Family child care home education network.

2 (9) Alternative payment.

3 (10) Child abuse protection and prevention services.

4 (11) Schoolage community child care.

5 (j) “Child care and development services” means those
6 services designed to meet a wide variety of needs of children and
7 their families, while their parents or guardians are working, in
8 training, seeking employment, incapacitated, or in need of
9 respite. These services may include direct care and supervision,
10 instructional activities, resource and referral programs, and
11 alternative payment arrangements.

12 (k) “Children at risk of abuse, neglect, or exploitation” means
13 children who are so identified in a written referral from a legal,
14 medical, or social service agency, or emergency shelter.

15 (l) “Children with exceptional needs” means infants and
16 toddlers, from birth to 36 months of age, inclusive, who have
17 been determined eligible for early intervention services pursuant
18 to the California Early Intervention Services Act (Title 14
19 (commencing with Section 95000) of the Government Code) and
20 its implementing regulations, and children 3 years of age and
21 older who have been determined to be eligible for special
22 education and related services by an individualized education
23 program team according to the special education requirements
24 contained in Part 30 (commencing with Section 56000), and
25 meeting eligibility criteria described in Section 56026 and
26 Sections 56333 to 56338, inclusive, and Sections 3030 and 3031
27 of Title 5 of the California Code of Regulations. These children
28 shall have an active individualized education program or
29 individualized family service plan, and be receiving early
30 intervention services or appropriate special education and
31 services. These children, ages birth to 21 years, inclusive, may be
32 autistic, developmentally disabled, hearing impaired, speech
33 impaired, visually impaired, seriously emotionally disturbed,
34 orthopedically impaired, otherwise health impaired,
35 multihandicapped, or children with specific learning disabilities,
36 who require the special attention of adults in a child care setting.

37 (m) “Closedown costs” means reimbursements for all
38 approved activities associated with the closing of operations at
39 the end of each growing season for migrant child development
40 programs only.

1 (n) “Cost” includes, but is not limited to, expenditures that are
2 related to the operation of child care and development programs.
3 “Cost” may include a reasonable amount for state and local
4 contributions to employee benefits, including approved
5 retirement programs, agency administration, and any other
6 reasonable program operational costs. “Cost” may also include
7 amounts for licensable facilities in the community served by the
8 program, including lease payments or depreciation,
9 downpayments, and payments of principal and interest on loans
10 incurred to acquire, rehabilitate, or construct licensable facilities,
11 but these costs shall not exceed fair market rents existing in the
12 community in which the facility is located. “Reasonable and
13 necessary costs” are costs that, in nature and amount, do not
14 exceed what an ordinary prudent person would incur in the
15 conduct of a competitive business.

16 (o) “Elementary school,” includes early childhood education
17 programs and all child development programs, for the purpose of
18 the cancellation provisions of loans to students in institutions of
19 higher learning.

20 (p) “Family child care home education network” means an
21 entity organized under law that contracts with the department
22 pursuant to Section 8245 to make payments to licensed family
23 child care home providers and to provide educational and support
24 services to those providers and to children and families eligible
25 for state-subsidized child care and development services. A
26 family child care home education network may also be referred
27 to as a family child care home system.

28 (q) “Health services” include, but are not limited to, all of the
29 following:

30 (1) Referral, whenever possible, to appropriate health care
31 providers able to provide continuity of medical care.

32 (2) Health screening and health treatment, including a full
33 range of immunization recorded on the appropriate state
34 immunization form to the extent provided by the Medi-Cal Act
35 (Chapter 7 (commencing with Section 14000) of Part 3 of
36 Division 9 of the Welfare and Institutions Code) and the Child
37 Health and Disability Prevention Program (Article 6
38 (commencing with Section 124025) of Chapter 3 of Part 2 of
39 Division 106 of the Health and Safety Code), but only to the

1 extent that ongoing care cannot be obtained utilizing community
2 resources.

3 (3) Health education and training for children, parents, staff,
4 and providers.

5 (4) Followup treatment through referral to appropriate health
6 care agencies or individual health care professionals.

7 (r) "Higher educational institutions" means the Regents of the
8 University of California, the Trustees of the California State
9 University, the Board of Governors of the California Community
10 Colleges, and the governing bodies of any accredited private
11 nonprofit institution of postsecondary education.

12 (s) "Intergenerational staff" means persons of various
13 generations.

14 (t) "Limited-English-speaking-proficient and
15 non-English-speaking-proficient children" means children who
16 are unable to benefit fully from an English-only child care and
17 development program as a result of either of the following:

18 (1) Having used a language other than English when they first
19 began to speak.

20 (2) Having a language other than English predominantly or
21 exclusively spoken at home.

22 (u) "Parent" means a biological parent, stepparent, adoptive
23 parent, foster parent, caretaker relative, or any other adult living
24 with a child who has responsibility for the care and welfare of the
25 child.

26 (v) "Program director" means a person who, pursuant to
27 Sections 8244 and 8360.1, is qualified to serve as a program
28 director.

29 (w) "Proprietary child care agency" means an organization or
30 facility providing child care, which is operated for profit.

31 (x) "Resource and referral programs" means programs that
32 provide information to parents, including referrals and
33 coordination of community resources for parents and public or
34 private providers of care. Services frequently include, but are not
35 limited to: technical assistance for providers, toy-lending
36 libraries, equipment-lending libraries, toy- and
37 equipment-lending libraries, staff development programs, health
38 and nutrition education, and referrals to social services.

39 (y) "Severely disabled children" are children with exceptional
40 needs from birth to 21 years of age, inclusive, who require

intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, or severe mental retardation. "Severely disabled children" also include those individuals who would have been eligible for enrollment in a developmental center for handicapped pupils under Chapter 7 (commencing with Section 56800) of Part 30 as it read on January 1, 1980.

(z) "Short-term respite child care" means child care service to assist families whose children have been identified through written referral from a legal, medical, or social service agency, or emergency shelter as being neglected, abused, exploited, or homeless, or at risk of being neglected, abused, exploited, or homeless. Child care is provided for less than 24 hours per day in child care centers, treatment centers for abusive parents, family child care homes, or in the child's own home.

(aa) (1) "Site supervisor" means a person who, regardless of his or her title, has operational program responsibility for a child care and development program at a single site. A site supervisor shall hold a permit issued by the Commission on Teacher Credentialing that authorizes supervision of a child care and development program operating in a single site. The Superintendent may waive the requirements of this subdivision if the superintendent determines that the existence of compelling need is appropriately documented.

(2) In respect to state preschool programs, a site supervisor may qualify under any of the provisions in this subdivision, or may qualify by holding an administrative credential or an administrative services credential.

(ab) "*School readiness centers*" means part-day and full-day educational programs for low income or otherwise disadvantaged prekindergarten-aged children.

(ac) "Standard reimbursement rate" means that rate established by the Superintendent pursuant to Section 8265.

~~(ae)~~

(ad) "Startup costs" means those expenses an agency incurs in the process of opening a new or additional facility prior to the full enrollment of children.

~~(ad)~~

1 (ae) “School readiness services” means part-day educational
2 programs for low-income or otherwise disadvantaged
3 prekindergarten-age children.

4 ~~(ae)–~~

5 (af) “Support services” means those services that, when
6 combined with child care and development services, help
7 promote the healthy physical, mental, social, and emotional
8 growth of children. Support services include, but are not limited
9 to: protective services, parent training, provider and staff
10 training, transportation, parent and child counseling, child
11 development resource and referral services, and child placement
12 counseling.

13 ~~(af)–~~

14 (ag) “Teacher” means a person with the appropriate permit
15 issued by the Commission on Teacher Credentialing who
16 provides program supervision and instruction that includes
17 supervision of a number of aides, volunteers, and groups of
18 children.

19 ~~(ag)–~~

20 (ah) “Underserved area” means a county or subcounty area,
21 including, but not limited to, school districts, census tracts, or
22 ZIP Code areas, where the ratio of publicly subsidized child care
23 and development program services to the need for these services
24 is low, as determined by the Superintendent.

25 ~~(ah)–~~

26 (ai) “Workday” means the time that the parent requires
27 temporary care for a child for any of the following reasons:

28 (1) To undertake training in preparation for a job.

29 (2) To undertake or retain a job.

30 (3) To undertake other activities that are essential to
31 maintaining or improving the social and economic function of the
32 family, are beneficial to the community, or are required because
33 of health problems in the family.

34 SEC. 3. Section 8235 of the Education Code is amended to
35 read:

36 8235. (a) The Superintendent shall administer all—~~state~~
37 ~~preschool programs~~ *school readiness centers* in accordance with
38 the funding priorities set forth in Section 8236. Those programs
39 shall include, but not be limited to, part-day and preschool
40 appropriate programs for prekindergarten children three to five

1 years of age in educational development, health services, social
2 services, nutritional services, parent education and parent
3 participation, evaluation, and staff development. Preschool
4 programs for which federal reimbursement is not available shall
5 be funded as prescribed by the Legislature in the Budget Act, and
6 unless otherwise specified by the Legislature, shall not utilize
7 federal funds made available through Title XX of the Social
8 Security Act (42 U.S.C. Sec. 1397).

9 (b) Federal ~~Headstart~~ *Head Start* funds used to provide
10 services to families receiving ~~state preschool~~ *school readiness*
11 services shall be deemed nonrestricted funds.

12 (c) Priority for receiving ~~state preschool~~ *school readiness*
13 services shall be given to low-income families who meet the
14 eligibility standards as established by the Superintendent, in
15 accordance with the priorities set forth in Section 8236.

16 (d) Reimbursement for ~~state preschool programs~~ *school*
17 *readiness centers* shall be on a per capita basis, as determined by
18 the Superintendent.

19 (e) Any agency described in subdivision (c) of Section 8208 as
20 an “applicant or contracting agency” is eligible to contract to
21 operate a ~~state preschool~~ *school readiness* program.

22 SEC. 4. Section 8236 of the Education Code is amended to
23 read:

24 8236. (a) For purposes of this section, the following
25 definitions apply:

26 (1) “Eligible children” means children who are currently
27 eligible for the ~~state preschool~~ *school readiness* program.

28 (2) “Four-year-old children” means those children who will
29 have their fourth birthday on or before December 2 of the fiscal
30 year in which they are enrolled in a ~~state preschool~~ *school*
31 *readiness* program.

32 (3) “Local educational agency” means a school district, a
33 county office of education, a community college district, or a
34 school district on behalf of one or more schools within the school
35 district.

36 (4) “Superintendent” means the Superintendent of Public
37 Instruction.

38 (5) “Three-year-old children” means those children who will
39 have their third birthday on or before December 2 of the fiscal

1 year in which they are enrolled in a ~~state preschool~~ *school*
2 *readiness* program.

3 (b) (1) Each applicant or contracting agency funded pursuant
4 to Section 8235 shall give first priority to neglected or abused
5 children who are recipients of child protective services, or
6 recipients who are at risk of being neglected or abused, upon
7 written referral from a legal, medical, or social service agency. If
8 an agency is unable to enroll a child in this first priority category,
9 the agency shall refer the child's parent or guardian to local
10 resource and referral services so that services for the child can be
11 located.

12 (2) After children in the first priority category set forth in
13 paragraph (1) are served, each agency funded pursuant to Section
14 8235 shall serve eligible four-year-old children prior to serving
15 eligible three-year-old children. Each agency shall certify to the
16 superintendent that enrollment priority is being given to eligible
17 four-year-old children.

18 (c) For ~~state preschool programs~~ *school readiness centers*
19 operating with funding that was initially allocated in a prior fiscal
20 year, at least half the children enrolled at a ~~preschool center~~ site
21 shall be four-year-olds. Any exception to this requirement shall
22 be approved by the ~~superintendent~~ *Superintendent*. The
23 ~~superintendent~~ *Superintendent* shall inform the Secretary of
24 Child Development and Education of any exceptions that have
25 been granted.

26 (d) The following provisions apply to the award of any new
27 funding for the expansion of the ~~state preschool~~ *school readiness*
28 program that is appropriated by the Legislature for that purpose
29 in any fiscal year:

30 (1) In an application for those expansion funds, an agency
31 shall furnish the superintendent with an estimate of the number
32 of four-year-old and three-year-old children that it plans to serve
33 in the following fiscal year with those expansion funds. The
34 agency also shall furnish documentation that indicates the basis
35 of those estimates.

36 (2) In awarding contracts for expansion pursuant to this
37 subdivision, the superintendent, after taking into account the
38 geographic criteria established pursuant to Section 8279.3, and
39 the headquarters preferences and eligibility criteria relating to
40 fiscal or programmatic noncompliance established pursuant to

1 Section 8261, shall give priority to applicant agencies that, in
2 expending the expansion funds, will be serving the highest
3 percentage of four-year-old children.

4 (3) (A) Agencies that receive funding for the expansion of a
5 ~~state preschool~~ *school readiness* program shall enroll children in
6 the following priority order:

7 (i) Neglected or abused children who are recipients of child
8 protective services, or recipients who are at risk of being
9 neglected or abused, upon written referral from a legal, medical,
10 or social services agency.

11 (ii) Four-year-old children who are eligible for the ~~state~~
12 ~~preschool~~ *a school readiness* program.

13 (B) Otherwise, children shall be enrolled based on other
14 statutory and regulatory priorities for the ~~state preschool program~~
15 *a school readiness center*.

16 (e) ~~Nothing in this~~ *This section shall be deemed to does not*
17 preclude a local educational agency from subcontracting with an
18 appropriate public or private agency to operate a ~~state preschool~~
19 ~~program~~ *school readiness center* and to apply for funds made
20 available for the purposes of this section. If a school district
21 chooses not to operate or subcontract for a ~~state preschool~~
22 ~~program~~ *school readiness center*, the ~~superintendent~~
23 *Superintendent* shall work with the county office of education
24 and other eligible agencies to explore possible opportunities in
25 contracting or alternative subcontracting to provide a ~~state~~
26 ~~preschool~~ *school readiness* program.

27 (f) ~~Nothing in this~~ *This section shall does not* prevent eligible
28 children who are currently receiving services from continuing to
29 receive those services in future years pursuant to this chapter.

30 SEC. 5. Section 8237 of the Education Code is amended to
31 read:

32 8237. A ~~state preschool~~ *school readiness* program applicant
33 or contracting agency has 120 calendar days prior to the first day
34 of the beginning of the new preschool year to certify eligibility
35 and enroll families into their program.

36 SEC. 6. Section 8241 of the Education Code is amended to
37 read:

38 8241. Programs operated pursuant to this chapter may be
39 designed to meet child-related needs identified by parents or

1 guardians which may include, but are not limited to, the
2 following:

- 3 (a) Care for school-age children during non-school hours.
- 4 (b) Weekend care.
- 5 (c) Night shift care.
- 6 (d) Worksite care.
- 7 (e) Temporary emergency child care.
- 8 (f) Child care for ill children.
- 9 (g) *School readiness centers*.

10 SEC. 7. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety
12 within the meaning of Article IV of the Constitution and shall go
13 into immediate effect. The facts constituting the necessity are:

14 In order that the children of eligible California families may be
15 better prepared to perform well upon entering kindergarten *at the*
16 *earliest possible time*, it is necessary that this act take effect
17 immediately.